

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAVIC LLC,

Plaintiff,

Civil Action No.:  
09-4306(JS)(ETB)

-against-

CORWOOD LABORATORIES, INC. THALER REALTY  
GROUP LLC, LORI-LYNN REALTY, LLC, IRWIN  
CORWOOD THALER, AND LORI THALER-COHEN,

Defendants.

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**DECLARATION IN  
SUPPORT OF MOTION**

**DECLARATION IN SUPPORT OF MOTION TO DISMISS COMPLAINT  
PURSUANT TO FED.R.CIV. P. §12(b)(6)**

MICHAEL A. TROISI, pursuant to 28 U.S.C. §1746, hereby declares as follows:

1. I am a member of the law firm of Rivkin Radler LLP, attorneys for defendants CORWOOD LABORATORIES, INC., THALER REALTY GROUP LLC, LORI-LYNN REALTY, LLC, IRWIN THALER, AND LORI THALER-COHEN ("Defendants") and, as such, I am fully familiar with the facts and circumstances surrounding this action.

2. Your affiant respectfully submits this Declaration in support of Defendants' motion pursuant to Fed.R.Civ.P. 12(b)(6), dismissing the complaint of the plaintiff JAVIC LLC ("Plaintiff") for failure to state a cause of action as against them.

3. A copy of Plaintiff's Complaint is attached hereto as Exhibit "A".

4. For the reasons discussed in the accompanying Memorandum of Law, the Complaint must be dismissed, as a matter of law, against the Defendants.

I declare the truth of the following subject to the penalties of perjury. Executed at Uniondale, New York on November 30, 2009.

s/  
MICHAEL A. TROISI (MAT-2002)